

REMARKS/ARGUMENTS

Claims 7 and 9 have been canceled. Claims 1-6 and 8 and new Claims 10 to 12 are active in the case. Reconsideration is respectfully requested.

The present invention relates to a process for the preparation of metal complexes with carbene ligands.

Claim Amendments

Applicants have amended Claim 1 by excluding the category of the present process in which an imidazole group containing compound is reacted with a metal selected from the group of metals of group 10 of the Periodic Table. Other minor amendments have been made to the claims in order to improve upon the language of the same. A repetition of the word phosphinite has been corrected in Claim 1 to the term “phosphonite.” This correction has also been made to two paragraphs of the specification.

Support for new Claims 10 to 15 can be found in Claim 9. None of the amendments are believed to have introduced new matter into the text. Entry of the amendments is respectfully requested.

Claim Rejection, 35 USC 112, First Paragraph

Applicants do not concur with the Examiner’s statement that the present process does not enable the skilled artisan to prepare all metal complexes without limitation simply because some chemical formula containing a metal is not shown as a reactant in the process of Claim 1. Claim 1 is absolutely clear in reciting that a compound that is within the scope of either formula II or III is reacted with a metal of the limited group of metals of groups 6 to 10 of the Periodic Table. The specification on pages 10 and 11 provides many examples of metal compounds that contain anionic, cationic or uncharged ligands, that may be used as the

reactant metal containing compound of Claim 1, wherein the metal is selected from one of the groups of 6 to 10 of the Periodic Table.

As to the ligands themselves which are of formula II or III, the specification starting at page 2 provides a very comprehensive description of the types of nitrogen containing compounds that also contain unsaturation that react with a catalytically active metal. A very comprehensive statement is provided on pages 12 to page 15 of the text of the particulars by which the catalyst of the present process is prepared. Further, note in particular that Claim 1 only with respect to radicals R³ and R⁴ permits the formation of cyclic or ring systems by establishing a covalent bond between these two groups. No such language is presented with respect to radicals R¹ and R². Applicants therefore maintain that the process of the present claims is enabled by a satisfactory disclosure. Withdrawal of the rejection is respectfully requested.

Claims 1-9 Rejection, 35 USC 112, Second Paragraph

Applicants point out firstly that Claim 1 uses the positive action word of “reacting” as shown by Claim 1 of the preliminary amendment filed June 13, 2005 in the application. The phrase of the claim which follows adequately describes the reaction between a metal compound selected from groups 6 to 10 of the Periodic Table and a nitrogen containing compound having either formula II or III. The reaction which occurs prepares an embodiment of the complexes of metals of groups 6 to 10 of the Periodic Table as this phrase is stated in lines 1 and 2 of Claim 1. Applicants do not concur that in order for the language of Claims 1 and 2 not to be indefinite, that the metal containing formula (XI) of Claim 3 must be recited in Claim 1. Claim 3 is directed to a specific preferred embodiment of the invention. From the ample description of starting metal compound reactants disclosed on pages 10 and 11 of the text, it is believed that one of skill in the art readily understands the language of the claims

concerning the metal compound reactant which, in effect, is any compound containing one of the metals of groups 6 to 10 of the Periodic Table clearly set forth in the claims that will react and form a complex with a compound of formula II or III. The metal compound reactant may contain virtually any anionic, cationic or uncharged moieties, as mentioned on page 10. Clearly, metal compound reactants are described on pages 10-11 of the text. Withdrawal of the stated grounds of rejection is respectfully requested.

Claim Rejection, 35 USC 112, Second Paragraph

It is believed that the discussion in the Office Action in the paragraph is intended for Claim 7. Since this claim has been canceled, the rejection of the claim is believed rendered moot. Withdrawal of the stated grounds of rejection is respectfully requested.

Claim 9 Rejection, 35 USC 112, 35 USC 101

The rejection of Claim 9 are obviated by the cancellation of the claim from the case in favor of new Claims 10-12. Withdrawal of the stated grounds of rejection is respectfully requested.

Claim 9 Rejection, 35 USC 112, Second Paragraph

It is believed that the discussion in the Office Action in the paragraph bridging pages 7 and 8 of the Office Action is intended for Claim 7. Since this claim has been canceled, the rejection of the claim is believed rendered moot. Withdrawal of the stated grounds of rejection is respectfully requested.

Claim 9 Rejection, 35 USC 112, Second Paragraph

Claim 9 has been canceled in favor of new Claims 10-12. Claim 9, as new Claim 10, has been recast into conventional method claim format. Each of the specific types of reaction shown, which are all well-known reactions, is stated as being conducted in the presence of the metal complex that is produced by the process of present Claim 1. The claim therefore contains a positive statement as to the functioning of the metal complex of the present invention in any of the types of reaction mentioned. The language of the claim is therefore not indefinite. This also pertains to the formulas as mentioned in the claim as II and III. The specification clearly shows these formulas at the bottom of page 2 of the text and pages 2 to 6 provide an extensive description of the groups that are present in the unsaturated nitrogen containing compounds that react as ligands with the metals disclosed.

Support for the telomerization method of Claim 11 can be found on pages 17-22 of the specification.

The rejection of the claim is believed obviated and withdrawal of the stated ground of rejection is respectfully requested.

Claim Rejection, 35 USC 102 (103)

The rejections of Claims 1-9 is obviated by the amendment to Claim 1 which introduces a proviso clause therein which excludes the reaction between a starting metal compound reactant selected from group 10 of the Periodic Table when the organic ligand selected for the reaction contains an imidazolium group. The cited McGuiness et al reference is limited to studies on imidazolium salt complexes of Ni, Pd and Pt. Accordingly, the reference neither anticipates nor obviates the invention as claimed and withdrawal of the stated ground of rejection is respectfully requested.

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It is believed that the application is in proper condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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